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Rastar Corporation
Suite 310, MS 337
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Gold River, CA 95670

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OFFICE OF PETITIONS

In re Application of :
Rodger H. Rast : DECISION ON PETITION
Application No. 10/670,432 :
Filed: September 23, 2003 :
Docket No. Display_RAST092303 :

This is a decision on the petition under 37 CFR 1.137(a), filed December 17, 2004, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **granted**.

This application became abandoned for failure to reply timely to the Notice to File Corrected Application Papers mailed on December 17, 2003, which set a two-month extendable period to reply. Accordingly, this application became abandoned on February 18, 2003. A Notice of Abandonment was mailed on November 10, 2004.

Petitioner stated that he did not receive the Notice to File Corrected Application Papers. Petitioner further stated that he reviewed his correspondence from the USPTO and did not locate the Notice. Petitioner asserted that the Notice did not indicate petitioner's complete correspondence address. Specifically, the address did not indicate the box number "MS 337."

A review of the record shows that petitioner identified customer number 26994 on the original transmittal sheet as the address of record at the time of filing, as well as Rastar Corporation, Suite 310, 11230 Gold Express Drive, Gold River, CA 95670, without MS 337.

The Office notes that as the Office will not recognize more than one correspondence address, any inconsistencies between the correspondences address resulting from a Customer Number being provided in an application for the correspondence address and any other correspondence address provided in that application will be resolved in favor of the Customer Number. MPEP 403.

The correspondence address associated with Customer No. 26994 is Rastar Corporation, Suite 310, MS 337, 11230 Gold Express Drive, Gold River, CA 95670. Due to the inconsistencies between the two correspondence addresses listed on the transmittal letter, the USPTO should have resolved the matter in favor of the Customer Number. Thus, it appears that the correspondence address listed on the Notice to File Corrected Application Paper was incomplete.

In view of the above, the **holding of abandonment is withdrawn** and the application is returned to pending status. The \$250.00 petition fee submitted is unnecessary and, as such, is refundable. Petitioner may request a refund of the \$250.00 petition fee by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

This file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions